

Remarks

Claims 1-6 and 8-10 are currently pending in the Application.

Finality of the Office Action

Applicants respectfully request that the Examiner withdraw the finality of the present Office Action. According to MPEP Section 706.05 the “applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the Examiner to that end, and not be prematurely cut off in the prosecution of his or her application.”

Applicants submit that Applicants are seeking to define their invention in claims to which they are justly entitled, as evidenced by the claim amendments presented in response to the Office Action dated November 17, 2004. Because Applicants have not dallied in the prosecution of this application and did not resort to technical or other obvious subterfuges in order to keep the application pending before the primary Examiner, Applicants respectfully request Examiner’s cooperation in obtaining protection to which Applicants are justly entitled by withdrawing the finality of the present Office Action.

Claim amendments

This response amends Claims 1 and 10 to clarify the scope of the invention. Support for the amendments can be found, for example, in Figures 5B and 6B of the specification. No new matter has been added.

Claim objections

The Examiner objects to Claim 1 for reciting “each pair of electrode pairs comprising.” The Examiner asserts that this language suggests a pair of pairs of electrodes. Applicants submit that Claim 1 has been amended to recite “each electrode pair comprising” and request that the objection be withdrawn.

35 U.S.C. §102(b) rejection in view of Jackson (U.S. Patent No. 5,572,344)

Claims 1, 6 and 8-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jackson. Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that Jackson does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicants submit that Jackson does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“an axially symmetric electrical field is generated **between** the first and the second electrodes to change the arrangement of the liquid crystal molecules” (emphasis added)

The Examiner asserts that “the first and the second electrodes” as recited in Claim 1 are disclosed by Jackson’s electrodes “16-22.” See page 2, last paragraph of the Official Action.

Jackson discloses a varying electric field that is created between a field electrode “26” and a resistance layer “14.” See column 3, lines 5-7, line 52 and line 60; column 4, lines 8-9 of Jackson. According to Jackson, the field electrode “26” is located **above** the electrodes “16-22.” See Figure 1 of Jackson. Because Jackson’s electric field is between electrodes that are disposed vertically from each other, Jackson does not teach, disclose or suggest “electrical field is generated between the first and the second electrodes” wherein “the first and the second electrodes” are “disposed on the first substrate” as recited in amended Claim 1.

Hence, Claim 1 is patentable over Jackson and should be allowed by the Examiner. Claims 6 and 8-9, at least based on their dependency on Claim 1, are also believed to be patentable over Jackson.

Claim 10

Applicants submit that, at least for the reasons stated above, Jackson does not teach, disclose or suggest “electrical field is generated between the four electrodes” where in the “four electrodes” are “disposed on the first substrate” as recited in amended Claim 10. Hence, Claim 10 is patentable over Jackson and should be allowed by the Examiner.

35 U.S.C. §102(b) rejection in view of Wiltshire (U.S. Patent No. 5,313,562)

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by Wiltshire. Applicants respectfully disagree.

PLEASE PROVIDE US WITH YOUR THOUGHTS REGARDING CLAIM 10 IN LIGHT OF WILTSIRE ...

35 U.S.C. §103(a) Rejection

Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Jackson and further in view of Yoshida (U.S. Patent No. 6,642,984). Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Jackson and further in view of Hiroshi (U.S. Patent No. 5,995,186).

Applicants submit that Claims 2-5, at least based on their dependency on Claim 1, are believed to be patentable over Jackson, Yoshida and Hiroshi, because there is no *prima facie* 35 USC 103(a) case based on Jackson, as shown above, and because the Examiner has not shown to Applicants where Yoshida and Hiroshi disclose, teach or suggest the features not found in Jackson.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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Commissioner for Patents POB 1450,
Alexandria, VA 22313-1450 on

October 6, 2005
(Date of Deposit)

Shannon Tinsley
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(Signature)

October 6, 2005
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Respectfully submitted,



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